

**REMARKS**

The present amendment is in response to the Office Action dated November 29, 2005, wherein the Examiner has rejected claims 1-31. By the present amendment, claim 11 has been amended and no claims have been canceled. Accordingly, claims 1-31 are pending in the present application. Reconsideration and allowance of pending claims 1-31 in view of the amendments and the following remarks are respectfully requested.

**Claim Rejections Under §102:**

Paragraph 2 of the Action rejects claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Gobush (U. S. 6,533,674). Applicant respectfully traverses the rejection of claims 1-31 because, *inter alia*, Gobush does not teach “marking a golf ball with color markings...comprising at least two colors” and “collecting data...using a color camera and the color markings.”

In order to sustain a rejection under 35 U.S.C. 102(b), the cited reference must teach each and every claim limitation. (*See* MPEP §2131). Moreover, “the identical invention must be shown in as complete detail as contained in the . . . claim.” (*See* MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). Gobush cannot, therefore, anticipate claims 1-31, because Gobush fails to teach each and every element of claims 1-31.

Certain embodiments of the present invention are directed to systems and methods for fitting golf equipment, including marking a golf ball with at least two colors and using a high speed color camera to obtain images of the golf ball after impact by the golf club. The images

can then be used to obtain launch data, such as spin rate and direction. By using color high-speed cameras and a golf ball with at least two color markings more accurate and more reliable launch data can be obtained as compared to conventional systems that typically use black and white high speed cameras. (See paragraph 072). Further, as described below, by using color markers less data is needed relative to the system of Gobush because fewer markers can be used in the present system.

Accordingly, claim 1 recites a method for fitting golf equipment, comprising “marking a golf ball with color markings, the color markings comprising *at least two colors*; and collecting data related to how the golfer’s swing launches a golf ball using a color camera and *the color markings*.”

Thus, as claimed in claim 1, multiple colors are used on the golf ball at the same time. Gobush fails to teach, suggest, or disclose such subject matter. The Gobush reference teaches that “[d]ots 41a-f are preferably invisible florescent markers” or “colored markers such as red, green, or blue.” (See Gobush, col. 4, lns. 18-25). Gobush, however, teaches using only *one* of these colors for any given golf ball, stating that when using colored markers, an interference filter is used on the camera to provide a stronger contrast for *the color chosen*.” Thus, in Gobush, only a single color is used, this color can be selected from, e.g., red, green, or blue, but only one of these colors is selected. (See Gobush, col. 4, lns. 25-27).

Thus, Gobush does not teach “the ball having at least two different color markers” to achieve the advantages discussed in the present application as claimed in claim 1. In fact, Gobush teaches away from using “at least two different colored markers on a single golf ball when it states that “[o]f these colors, red is the most preferred as a CCD camera provides greater

contrast with this color.” (See Gobush, col. 4, lns. 28-29). Thus Gobush teaches the use of a single color, specifically red, as preferred.

Further, even if Gobush teaches using more than one color on a golf ball at the same time, which it does not, Gobush does not process the markings of two different colors. Thus, nothing in Gobush teaches what one would do with the data provided by using multiple colors on the golf ball, as in the present application and claims. On the contrary, Gobush teaches that the “light received is reflected by the dots 41a-f...appear[s] as bright areas” or alternatively, in another embodiment, as “dark areas.” (See Gobush, col. 4, lns. 41-45). Thus, Gobush teaches processing “bright areas” in one embodiment and “dark areas” in another embodiment, not two different colored areas on the same golf ball.

In the system as described and claimed in the present application, accurate data can be achieved with as few as two markings, one of each color. While Gobush teaches that as few as three markers can be used on a golf ball, Gobush actually teaches away from the present invention because it teaches that in order to obtain highly accurate data, as many as six markings are need and that the markers must have defined angles and relations. (See Gobush, col. 4, lns. 34-36). As the present application states with respect to a black and white camera systems, “markings may not be as easily discernable, thus rendering the information gathering in conventional systems less accurate” (See Paragraph 073). Because Gobush sees the dots as “bright areas,” or, alternatively, as “dark areas,” Gobush is effectively a monochrome system. Because Gobush is effectively a monochrome system, Gobush has the same shortcomings as a black and white system, especially when fewer, e.g., two, markings are used on the golf ball. The Gobush system is effectively monochromatic with respect to the ball and the ball camera

because the markings on the ball are all the same color. Therefore, Gobush is effectively the same as a black and white system in this respect.

Gobush cannot, therefore, anticipate claim 1 because claim 1 requires “making a golf ball with color markings, the color markings comprising *at least two colors*, and collecting data related to how the golfer’s swing launches a golf ball using a color camera and the color markings.” Applicant therefore respectfully requests that the rejection as to claim 1 be withdrawn. Claims 2-10, ultimately depend from claim 1 and are allowable for at least the reasons discussed above with respect to claim 1. Applicant therefore respectfully requests that the rejection as to claims 2-10 be withdrawn.

Claim 11 is directed to a method for fitting golf equipment that performs essentially the same functions as the method of claim 1. Because claim 11 is directed to substantially the same functionality as claim 1, claim 11 is allowable for substantially the same reasons as claim 1. Applicant therefore, respectfully requests that the rejection as to claim 11 be withdrawn. Claims 12-22, ultimately depend from claim 11 and are allowable for at least the reasons discussed above with respect to claim 11. Applicant therefore respectfully requests that the § 102 rejection as to claims 12-22 be withdrawn.

Claim 23 is directed to a golf equipment fitting system that includes a launch module that performs essentially the functions as the method of claim 1. Because claim 23 is directed to substantially the functions as claim 1, claim 23 is allowable for substantially the same reasons as claim 1. Applicant therefore, respectfully requests that the rejection as to claim 23 be withdrawn. Claims 24-31, ultimately depend from claim 23 and are allowable for at least the

reasons discussed above with respect to claim 11. Applicant therefore respectfully requests that the § 102 rejection as to claims 24-31 be withdrawn.

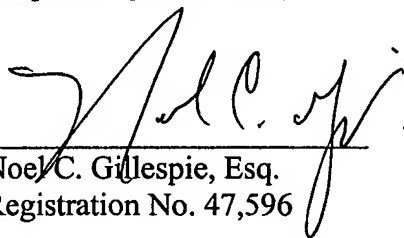
CONCLUSION

Applicant believes that given the above amendments and remarks, the claims are now in condition for allowance and such is respectfully requested. Applicant has included a request for a two month extension of time. With granting of the request this response is timely filed within five months of the mailing of the Action. The Examiner is requested to charge any additional fees that may be due with this response to deposit account 13-0480 referencing attorney docket no. 67175523.001106.

Respectfully submitted,

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